

### **REMARKS/DISCUSSION OF ISSUES**

By this Amendment, Applicants amend the Title, the Abstract, and claims 1-8.

Accordingly, claims 1-8 are pending in the application.

Applicants thank the Examiner for acknowledging the claim for priority and receipt of certified copies of the priority documents. However, the Office Action indicates that the priority date is 28 May 2004. Applicants respectfully submit that the correct priority date is actually 16 December 2003.

Reexamination and reconsideration are respectfully requested in view of the following Remarks.

### **OBJECTION TO THE DECLARATION**

The Office Action states that the declaration is defective because it supposedly fails to include a statement that the person making the declaration acknowledged the duty to disclose to the Patent Office all information known to the person to be material to patentability of the application in accordance with 35 U.S.C. § 1.56.

Applicant respectfully submits that the declaration is compliant with 37 C.F.R. § 1.63. The Office Action elevates form over substance. 37 C.F.R. § 1.63 does not require that any particular form be employed to state that the person making the declaration acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in 37 C.F.R. § 1.56. Here, the declaration states that: *"I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56."* It seems apparent that any information material to patentability would necessarily be encompassed within *"information which is material to the examination of this application."* So the required acknowledgement has been made. Furthermore, the undersigned attorney respectfully submits that the USPTO has issued untold numbers of U.S. patents based upon Declarations that include language similar to that included in the Declaration for this patent application.

Accordingly, Applicants respectfully submit that the Declaration is proper,

respectfully traverse the requirement for a new Declaration, and respectfully request that the Examiner accept the Declaration which has previously been submitted for this application.

#### **OBJECTION TO THE SPECIFICATION**

Applicants thank the Examiner for providing information about recommended section headings. However, Applicants respectfully decline to add the headings. Section headings are not statutorily required for filing a non-provisional patent application under 35 USC § 111(a), but per 37 CFR § 1.51(d) are only guidelines that are suggested for applicant's use. (See Miscellaneous Changes in Patent Practice, Response to comments 17 and 18 (Official Gazette, August 13, 1996) [Docket No: 950620162-6014-02] RIN 0651-AA75 ("Section 1.77 is permissive rather than mandatory. ... [T]he Office will not require any application to comply with the format set forth in 1.77")).

Accordingly, Applicants respectfully request that the Examiner withdraw the objection to the Specification.

#### **OBJECTION TO THE ABSTRACT**

By this Amendment Applicants amend the Abstract.

Accordingly, Applicants respectfully request that the Examiner withdraw the objection to the Abstract.

#### **OBJECTION TO THE TITLE**

By this Amendment Applicants amend the Title.

Accordingly, Applicants respectfully request that the Examiner withdraw the objection to the Title.

#### **35 U.S.C. § 112**

The Office Action rejects claim 1 under 35 U.S.C. § 112.

By this Amendment Applicants amend claim 1.

Accordingly, Applicants respectfully submit that claim 1 is patentable under 35 U.S.C. § 112.

**35 U.S.C. § 103**

The Office Action rejects: claims 1 & 2 under 35 U.S.C. § 103 over Krishnan U.S. Patent Publication 2006/0005437 ("Krishnan") in view of van der Meer U.S. Patent 5,042,179 ("van der Meer") and Maykemper U.S. Patent 2,615,265 ("Maykemper"); claims 3-8 under 35 U.S.C. § 103 over Krishnan in view of van der Meer, Maykemper and Di Leta U.S. Patent Publication 2006/0213092 ("Di Leta"); claims 1 & 2 under 35 U.S.C. § 103 over Netten et al. U.S. Patent 5,642,579 ("Netten") in view of van der Meer and Maykemper; and claims 3-8 under in view of van der Meer, Maykemper and Di Leta.

Applicants respectfully traverse those rejections for at least the following reasons.

**Rejections Based on Krishnan**

Applicants respectfully submit that Krishnan only qualifies as prior art under 35 U.S.C. § 102(e). 35 U.S.C. § 103(c)(1) provides that: "*Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.*"

Applicants respectfully submit that Krishnan and the claimed invention were, at the time the claimed invention was made, owned by or subject to an obligation of assignment to Koninklijke Philips Electronics, N.V.

Accordingly, Applicants respectfully traverse all of the rejections of claim 1-8 under 35 U.S.C. § 103 based on Krishnan, and respectfully request that these rejections be withdrawn.

**Rejections Based on Netten**

**Claim 1**

Among other things, the steam ironing device of claim 1 includes control means for controlling: the power of the heating means of the steam generator, the flow rate of the pump, and the opening and closing of the valve, the valve being open when the ratio between the flow rate (g/min) of the pump and the power (W) of the heating means is in a range of 1:20 to 1:38.

Applicants respectfully submit that no combination of the cited art could produce a steam ironing device including this combination of features.

The Office Action fairly admits that Netter and Maykemper do not disclose such a combination of features. However, the Office Action states that "a control means for opening and closing the valve if the ratio between the flow rate (g/min) of the pump and the power heating means is in a range of 1:20 to 1:38," "is known in the art" citing van der Meer in support.

Applicants respectfully disagree. Applicants respectfully submit that a control means for opening and closing of the valve, the valve being open when the ratio between the flow rate (g/min) of the pump and the power (W) of the heating means is in a range of 1:20 to 1:38, was not known in the art at the time the invention was made, and is certainly not disclosed or even remotely suggested by van der Meer.

Van der Meer discloses a steaming iron device with: a "steam generator 40 which at the same time serves as a water tank;" a heating element 41; and a steam valve 46.

Van der Meer's steaming iron device does not include any pump. Van der Meer's steaming iron device does not have any flow rate of any pump. Van der Meer's control circuit does not open steam valve 46 based on any ratio between any flow rate of any pump and the power of heating element 41. And van der Meer's control circuit certainly does not open steam valve 46 based on the ratio between any flow rate of any pump and the power of heating element 41 being in a range of 1:20 to 1:38.

The Office Action states that van der Meer teaches that the flow rate of steam starts at 35 g/min at 600 W, citing col. 11, line 47 – col. 12, line 22.

Applicants respectfully disagree. Van der Meer discloses that for its iron, a rate of steam delivery of 15 g/min corresponds to a heating power of 600 W. Van der Meer does not disclose what the heating power should be to produce a steam delivery of 35 g/min.

However, in any event: (1) van der Meer does not control the steam valve 46 to achieve any ratio between steam delivery and the power of the heating element 41; and (2) claim 1 does not recite anything about any ratio between steam delivery and the power of the heating means, but instead recites opening a valve when a ratio between a flow rate of a pump (g/min) and the power (W) of the heating means is in a range of 1:20 to 1:38.

Accordingly, for at least these reasons, Applicant respectfully submits that claim 1 is patentable over any combination of Netter, Maykemper and van der Meer.

#### Claim 2

Claim 2 depends from claim 1 and is deemed patentable for at least the reasons set forth above with respect to claim 1.

#### Claims 3-8

Claims 3-8 depend from claim 1. Di Leta does not remedy the shortcomings of Netter, Maykemper and van der Meer as set forth above with respect to claim 1. Accordingly, Applicants respectfully submit that claims 3-8 are patentable over Netter, Maykemper, van der Meer and Di Leta for at least the reasons set forth above with respect to claim 1.

### **CONCLUSION**

In view of the foregoing explanations, Applicants respectfully request that the Examiner reconsider and reexamine the present application, allow claims 1-8 and pass the application to issue. In the event that there are any outstanding matters remaining in the present application, the Examiner is invited to contact Kenneth D.

Springer (Reg. No. 39,843) at (571) 283.0720 to discuss these matters.

Respectfully submitted,

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